**BEFORE THE HEARING PANEL APPOINTED BY WAITAKI DISTRICT COUNCIL**

**UNDER** the Resource Management Act 1991

**IN THE MATTER** of the Proposed Waitaki District Plan

**Hearing Topic**: Hearing Stream 2 – Energy / Infrastructure / Stormwater / Transport / Earthworks / Designations

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# LEGAL SUBMISSIONS FOR OCEANA GOLD (NEW ZEALAND) LIMITED – SUBMITTER 295

**Dated 17 September 2026**

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**MAY IT PLEASE THE PANEL:**

**INTRODUCTION**

1) Oceana Gold (New Zealand) Limited ("**OceanaGold**") has lodged submissions and further submissions on the Energy, Infrastructure, Transport and Earthworks topics. In this Hearing we do not repeat everything contained in OceanaGold's written submissions, our evidence and submissions focus on the Transport and Earthworks topics, particularly provisions that may have implications for ongoing operations and future development at the Macraes Mine. OceanaGold will address these topics again in the SPZMM ("**Mining Zone"**) Hearing Stage 3A.

2) In the Appendix I identify the scope of OceanaGold's submissions on those two topics in the context of the Exemptions Version of the Proposed Waitaki District Plan ("**PDP"**).

3) As I introduced at Hearing 1, what OceanaGold seeks to achieve by its active participation in the PDP process is to ensure that the PDP enables (and does not unduly constrain) existing and future development of the Macraes Mine and, when considered as a whole, the PDP provisions function in a clear, integrated manner, without unintended consequences for the Macraes Mine, and the communities and people that benefit from the Mine's ongoing presence.

4) The evidence of Mr Curran provides examples of transport and earthworks activities that occur in association with the Macraes Mine. He used the PDPs District-wide transportation standards and earthworks provisions as a guide to identify potential challenges OceanaGold would have complying with them PDP's District-wide transportation standards and earthworks provisions. If these chapters are applied to OceanaGold's activities in addition to provisions that will apply within the Mining Zone there is potential for them to create an additional consent burden on the company. OceanaGold submits it is desirable to reduce unnecessary consenting requirements.

**GENERAL SUBMISSION**

5) OceanaGold's overarching submission is that the Mining Zone should provide 'standalone' provisions and an enabling framework for the Macraes Mine activities, including transport and earthworks. The District-wide standards relating to transport and earthworks should not apply to activities within the Mining Zone, and the PDP should expressly state that. Additionally, the District-wide Transport and Earthworks chapters should provide cross references to relevant transport and earthworks provisions in the SPZMM section.

6) OceanaGold's position is supported by the National Planning Standard 2019 (**NPS**). The NPS states that provisions relating to transport and earthworks must be located in topic chapters, but it provides for exceptions to that approach where the provisions are specific to a Special Purpose Zone[1]. A Special Purpose Zone may provide for specific transport and earthworks provisions and in that scenario, there will be a cross reference in the topic chapter to the Special Purpose zone provisions[2]. OceanaGold commends the NPS approach to the Panel.

## 7. District-wide Matters Standard

**Mandatory directions**

### Energy, infrastructure and transport

5. Provisions relating to energy, infrastructure and transport that are not specific to the *Special purpose zones* chapter or sections must be located in one or more chapters under the *Energy, infrastructure and transport* heading. These provisions may include:
   a. statement about the status of transport corridors eg, the adjoining zoning applies to the centre line of mapped roads
   b. noise-related metrics and noise measurement methods relating to energy, infrastructure and transport, which must be consistent with the *15. Noise and vibration metrics* Standard
   c. the management of reverse sensitivity effects between infrastructure and other activities.
6. The chapters under the *Energy, infrastructure and transport* heading must include cross-references to any energy, infrastructure and transport provisions in a *Special purpose zones* chapter or sections.
7. Zone chapters must include cross-references to relevant provisions under the *Energy, infrastructure and transport* heading.
8. All chapters must be included alphabetically.

### General district-wide matters

[1] Transport: NPS clause 5; Earthworks NPS clause 31
[2] Transport: NPS clause 6; Earthworks NPS clause 31

29. If provisions for managing earthworks are addressed, they must be located in the *Earthworks* chapter. This chapter may also include:
    a. provisions for quarries and gravel extraction where managed on a district-wide basis
    b. provisions for mining where they are managed on a district-wide basis.
30. The *Earthworks* chapter must include cross-references to any relevant earthworks provisions under the *Energy, infrastructure, and transport* heading.
31. The *Earthworks* chapter must include cross-references to any provisions for mining, quarries and or gravel extraction in a Special purpose zone or zone chapter or section.

**EARTHWORKS**

7) In the Earthworks chapter, the Part B and Part C provisions managing mining and quarries on a district-wide basis have been withdrawn. So have the enabling provisions that would be relevant to OceanaGold's activities, and the activities carried out by farmers who lease OceanaGold's land, such as:

    a) EW-O1 Earthworks Activities - Earthworks activities enable people and communities, social, economic and cultural well-being, and their health and safety, where adverse effects are appropriately managed.
    b) EW-P4 Primary Production Activities – Enable earthworks the support the operational efficiency of primary production activities, including the maintenance and repair of existing farm tracks, yards, irrigation systems, fences, dams, stormwater infrastructure, sedimentation ponds, culverts and stormwater drains.
    c) EW-P5 Construction and maintenance of farm tracks and recreational tracks – Enable earthworks that provide for farm tracks…where these are located outside of sensitive environments.
    d) EW-P8 Rehabilitation of disturbed ground – Enable earthworks that enhance, restore or rehabilitate areas of disturbed ground to reflect the surrounding landform and vegetation.
    e) EW-R2 Earthworks for repair and maintenance activities within or outside of a sensitive environment
    f) EW-R3 Earthworks for the construction of farm tracks...located outside of sensitive environments.

8) This leaves Part A: General Earthworks Activities silent on mining and quarrying earthworks activities, and it appears the Operative District Plan will apply to manage district-wide earthworks.

9) Accordingly it becomes important for OceanaGold that the PDP explains the relationship between the various chapters and zones of the PDP and the Operative Plan, that the Mining Zone appropriately provides for earthworks activities (including mining and quarrying), and that the Mining Zone provisions are expressly acknowledged in the Earthworks Chapter.

10) In the Notified Version of the PDP there was wording in the Introduction to Part A: General Earthworks Activities and the User Notes which, I submit, could be reinstated and adapted to improve clarity and completeness:

*"Mining activities within the Special Purpose Zone – Macraes Mining are subject to the provisions in the Special Purpose Zone - Macraes Mining chapter and are not subject to the earthworks rules contained in Part A."*

~~Mining activities within the Special Purpose Zone — Macraes Mining are subject to the provisions in the Special Purpose Zone~~
~~— Macraes Mining chapter.~~

***User Notes:***

*For some activities, a resource consent may be required by rules in more than one chapter in the District Plan. Plan users are encouraged to check all District-Wide Matters chapters, as well as the relevant zone chapter.*

~~*Please refer to the General Approach chapter for more information on the steps plan users should take to determine what rules apply to an activity and to determine the consent status of an activity.*~~

~~*Quarrying activities addressed in Part B of this chapter and mining activities addressed in Part C of this chapter are not subject to the earthworks rules contained in Part A unless specifically stated within a rule or standard.*~~

11) EW-R1 provides an example of how the General Earthworks Rules in the General Rural Zone would not accommodate Macraes Mine activities. Earthworks have permitted activity status if the threshold area standard in EW-S1 is met. The standard requires that the quantity of earthworks must not exceed 500m$^2$ in any 12-month period per site. Macraes earthworks activities, including the small-scale activities described in Mr Curran's evidence, would typically be non-compliant with that standard and would therefore require restricted discretionary resource consent. This does not align with OceanaGold's aspiration to reduce unnecessary consenting requirements.

12) OceanaGold lodged a further submission in support of the Federated Farmers of New Zealand ("**Federated Farmers**") submission 246.55 relating to EW-S1. The submission proposed an amendment of the

500m$^2$ threshold for earthworks to 2500m$^2$, and the addition of 'functional or operational need' to the matters of discretion. The section 42A Earthworks report writer Ms Belgrave recommended no changes to EW-S1[3]. On behalf of Federated Farmers Ms Sannazzaro provides planning evidence on these points at paragraphs 117 to 128. OceanaGold commends the Federated Farmers submission and planning evidence to the Panel for consideration in relation to Part A of the chapter and will confirm acceptable standards for the SPZMM in Hearing 3A.

**TRANSPORT**

13) The section 42A Report: Transport writer Ms Belgrave does not agree with OceanaGold's submission that the SPZMM should be excluded from the application of any of the rules or standards in the Transport chapter. She considers that the effects of mining activities within the SPZMM are not confined to the zone therefore the Transport chapter provisions should be applied to manage transport effects consistently throughout the District. Mr Glover disagrees, and points to the likely outcome of that approach being a need for OceanaGold to apply for numerous unnecessary resource consents. Again, this is undesirable from the company's perspective. Instead in Hearing 3A we propose to promote provisions that will provide for ongoing operations at Macraes Mine in a manner that appropriately manages the effects of activities on the transport network outside the SPZMM.

**CONCLUSION**

14) As I have previously submitted, it is important to the future viability of the Macraes Mine that the provisions of the PDP which could inappropriately inhibit development of the mineral resource are addressed, and that the Mining Zone and other PDP and Operative Plan provisions which will apply in the 'hybrid model' can function cohesively to enable responsible mining. I submit that the changes recommended by Mr Glover will assist to achieve that outcome.

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[3] Section 42A Report: Earthworks, paragraph 175

15) I add, as have other submitters[4], that it would greatly assist plan users, and decision-makers, if it was made clear which Operative Plan provisions will be in play alongside the PDP provisions.

**DATED** this 17th day of September 2026



Jackie St John

Counsel for OceanaGold

[4] Evidence of Murray Brass on behalf of the Director-General of Conservation, Executive Summary paragraph 3, paragraphs 27 – 30.

**APPENDIX – Provisions OceanaGold submitted on - scope**

**Earthworks**

| Proposed District Plan Provisions OG submitted on | 'Exempt Version' Scope In or Out |
|---|---|
| **Definitions** | |
| Earthworks | In |
| **General District Wide Matters** | |
| Part A General Earthworks Activities (entire chapter) | Part In<br>Part Out |
| Introduction | Part In<br>Part Out including "Mining activities within the SPZMM are subject to the provisions in the SPZMM chapter" |
| User Notes | Out including "For the sake of clarity, all other earthworks and quarrying activities undertaken in the SPZMM are subject to Part A and Part B of this Chapter" |
| EW-O1 and O2 | Out |
| EW-O3 | In |
| EW-P2 | Out |
| EW-P4 | Out |
| EW-P7 | In |
| EW-R1 | In (General Rural Zone (as withdrawn)) |
| EW-R2 | Out |
| EW-R5 | Out |
| EW-S1 | In (General Rural Zone (as withdrawn)) |
| Part B Earthworks for Quarrying Activities (entire chapter) | Out |
| Part C Earthworks for Mining Activities (entire chapter) | Out |

**Transport**

| Proposed District Plan Provisions OG submitted on | 'Exempt Version' Scope In or Out |
|---|---|
| **Transport** | |
| Introduction | In |
| TRAN-O2 High trip generating use and development | In |
| TRAN-P1 High trip generating use and development | In |
| TRAN-R1 to TRAN-R7 inclusive | In (all zones including the withdrawn General Rual Zone) |
| TRAN-S1 to TRAN-S20 inclusive | In |
| Table 6 – High Trip Generator Thresholds | In |